

LENNON, MURPHY & LENNON, LLC
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
VERSTIGSTE GROSSE BLEICHEN SCH,	:	07 CV 11385 (BSJ)
	:	
Plaintiff,	:	ECF CASE
	:	
- against -	:	<u>ANSWER</u>
	:	
A.C. OERSSLEFF'S EFTF A/S,	:	
	:	
Defendant.	:	
-----X		

Defendant, A.C. OERSSLEFF'S EFTF A/S (hereafter referred to as "Defendant"), by its attorneys, LENNON, MURPHY & LENNON, LLC, answering the Amended Complaint propounded by Plaintiff, VERSTIGSTE GROSSE BLEICHEN SCH (hereafter referred to as "Plaintiff") dated February 13, 2008, respectfully shows to the Court and alleges upon information and belief as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Amended Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Amended Complaint.
3. Admitted.

4. Admits that it chartered the vessel from the Defendant but, except as specifically admitted herein, denies knowledge or information sufficient to form a belief as to the remainder of the allegations contained in paragraph 4 of the Amended Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Amended Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Amended Complaint.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Admitted.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Amended Complaint. Upon information and belief, however, Plaintiff has not commenced London arbitration.

15. Denied.

16. Denied.

17. Admits that Defendant is not present in the District but, except as specifically admitted herein, denies knowledge or information sufficient to form a belief as to the remainder of the allegations contained in paragraph 17¹ of the Amended Complaint.

¹ Erroneously listed as paragraph 11.

18. Admits that Defendant seeks the Order described but, but, except as specifically admitted herein, denies knowledge or information sufficient to form a belief as to the remainder of the allegations contained in paragraph 18² of the Amended Complaint.

FIRST AFFIRMATIVE DEFENSE

19. Plaintiff's Complaint fails to state a maritime cause of action for which relief can be granted pursuant to Supplemental Rule B and thus the Complaint should be dismissed.

SECOND AFFIRMATIVE DEFENSE

20. Plaintiff is not the real party in interest and its Amended Complaint should therefore be dismissed.

THIRD AFFIRMATIVE DEFENSE

21. This Court lacks personal jurisdiction over the Defendant.

FOURTH AFFIRMATIVE DEFENSE

22. This action should be dismissed on the grounds of improper venue.

FIFTH AFFIRMATIVE DEFENSE

23. This action should be dismissed on the grounds of *forum non conveniens*.

SIXTH AFFIRMATIVE DEFENSE

24. Improper and insufficient service of process on the answering Defendant.

SEVENTH AFFIRMATIVE DEFENSE

25. Plaintiff has failed to properly mitigate its damages.

EIGHTH AFFIRMATIVE DEFENSE

26. The action must be stayed pending the outcome of London arbitration.

WHEREFORE, the Defendant, A.C. OERSSLEFF'S EFTF A/S, prays that this Honorable Court enter judgment in favor of the answering Defendant against the Plaintiff,

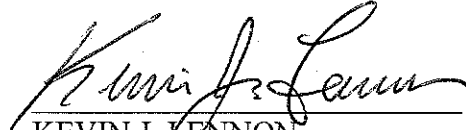
² Erroneously listed as paragraph 12.

dismissing Plaintiff's Amended Complaint and vacating the Amended Ex Parte Order authorizing issuance of Process of Maritime Attachment and Garnishment, including reasonable counsel fees, and that Defendant be granted such other and further relief as this Court may deem to be just and proper.

Dated: February 21, 2008
New York, NY

LENNON, MURPHY & LENNON, LLC
Attorneys for Defendant
A.C. OERSSLEFF'S EFTF A/S

By:



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AFFIRMATION OF SERVICE

I hereby certify that on February 21, 2008 a copy of the foregoing ANSWER was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.


Kevin J. Lennon